

CROW TRIBE OF MONTANA,
Appellant

v.

MONTANA STATE DIRECTOR,
BUREAU OF LAND MANAGEMENT,
Appellee

: Order Dismissing Petition for
: Attorney Fees
:
:
: Docket No. IBIA 97-118-A
:
:
: October 23, 1997

The Crow Tribe of Montana (Tribe) petitioned for an award of attorney fees in connection with Crow Tribe of Montana v. Montana State Director, Bureau of Land Management, 31 IBIA 16 (1997), which concerned a declination to contract under the Indian Self-Determination Act, 25 U.S.C. §§ 450-450n (1994). The petition was filed under the Equal Access to Justice Act, 28 U.S.C. § 2412 and 5 U.S.C. § 504 (1994).

By Order dated June 20, 1997, the Board referred the petition to Administrative Law Judge James H. Heffernan for consideration of that part of the petition which related to the hearings phase of this matter. On July 16, 1997, the Montana State Director, Bureau of Land Management, filed a motion to dismiss the petition. On July 31, 1997, the Tribe informed the Judge that it did not oppose the motion to dismiss. Accordingly, by Order dated August 6, 1997, Judge Heffernan granted the motion to dismiss.

On September 9, 1997, the Board gave the parties until September 30, 1997, in which the inform it whether they opposed dismissal of this appeal from its docket. The Order stated: "Failure to respond to this Order will be deemed agreement that the matter should be dismissed."

No responses have been received.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this petition for attorney fees is dismissed.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge